

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: JOHN MEDEARIS VAN DEREN, III, M.D.

ORDER OF REVOCATION

1. John Medearis Van Deren, III, M.D., ("Dr. Van Deren") holds a license to practice medicine and surgery in the State of West Virginia, License No. 20097, issued originally in 2000, by the West Virginia Board of Medicine. His address of record with the West Virginia Board of Medicine is in Ashland, Kentucky and his primary practice is in Kentucky.

2. On May 4, 2009, in the case of Commonwealth of Kentucky vs. John Medearis Van Deren, Indictment No. 08-CR-00425, in the Circuit Court of Boyd County, Kentucky, Division II, Dr. Van Deren was found guilty of two felonies: Possession of a controlled substance/cocaine, First degree, First offense; and Possession of a controlled substance/opiates, First degree, First offense; and he was found guilty of three related misdemeanors: Operating a motor vehicle while under the influence of drugs, First offense; Possession of a controlled substance, Second degree, First offense; and Prescription controlled substance not in original container, First offense.

3. Under the provisions of W. Va. Code §30-3-14(d): The Board shall...revoke the license of any physician....licensed or otherwise lawfully practicing within this State who, is found guilty by any court of competent jurisdiction of any felony involving prescribing, selling, administering, dispensing, mixing or otherwise

preparing any prescription drug, including any controlled substance under State or Federal law, for other than generally accepted therapeutic purposes. Presentation to the board of a certified copy of the guilty verdict or plea rendered in the court is sufficient proof thereof for the purposes of this article...

4. Attached to this Order, and incorporated by reference herein, are certified copies of the Judgment of Guilty Plea Sentence of Diversion Indictment No. 08-CR-00425 in Commonwealth of Kentucky vs. John Medearis Van Deren in the Circuit Court of Boyd County, Kentucky, Division II, dated May 4, 2009; an Agreed Order of Pre-Trial Diversion in the same case, dated May 4, 2009; an Order Noting Formal Arraignment, Entry of Plea, Fixing of Bail and Assignment for Trial, in the same case, dated February 20, 2009; a Discovery Order in the same case, dated February 20, 2009; a Criminal Information and Waiver of Grand Jury Indictment Pursuant to RCr 6.04, in the same case, dated November 10, 2008; and a Uniform Citation regarding John M. Van Deren dated November 3, 2008, containing charges relating to drug involvement in the city of Cannonsburg, Boyd County, Kentucky.

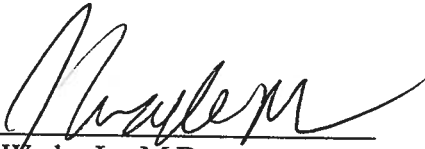
5. Copies of the above referenced documents having been presented to the Board at a regular meeting of the said Board on July 13, 2009, where a quorum of the said Board was present and voting, the Board determined that Dr. Van Deren has been found guilty by a court of competent jurisdiction of felonies involving unlawfully administering and dispensing controlled substances under State law, for other than generally accepted therapeutic purposes, and concluded that as a matter of law, the license to practice medicine and surgery of Dr. Van Deren, License No. 20097, must be **REVOKED** under the provisions of W. Va. Code §30-3-14(d). Accordingly, the Board

has voted at said regular meeting to **REVOKE** the license to practice medicine and surgery of John M. Van Deren, III, M.D., License No. 20097, effective July 15, 2009, at 11:59 p.m.

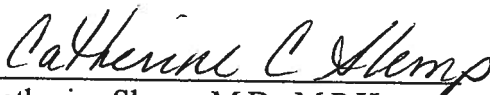
WHEREFORE, it is **ORDERED** that the license to practice medicine and surgery of John M. Van Deren, III, M.D., issued by the West Virginia Board of Medicine in 2000, is **REVOKED**, effective July 15, 2009, at 11:59 p.m.

The foregoing was entered this 13th day of July, 2009.

West Virginia Board of Medicine

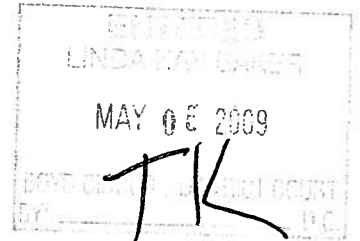


John A. Wade, Jr., M.D.,
President



Catherine Slemp, M.D., M.P.H.,
Secretary

IN THE
BOYD CIRCUIT COURT
CATLETTSBURG, BOYD COUNTY, KENTUCKY
DIVISION II
FILE NO. 08-CR-00425



COMMONWEALTH OF KENTUCKY
PLAINTIFF

VS:

JOHN MEDEARIS VAN DEREN
DOB: 06/21/XX SSN: XXX-XX-XXXX
Commonwealth of Kentucky
County of Boyd
I, Linda Kay Baker, Clerk of the Boyd
Circuit/District Courts, do hereby certify the
following as a true and correct copy(s) of the

Judgment + Diversion
as recorded in my office, given under my hand
and seal on this June 11 day of 2009
Linda Kay Baker, Clerk Boyd Circuit/District Court
BY: [Signature] D.C.

JUDGMENT OF GUILTY PLEA
SENTENCE OF DIVERSION
INDICTMENT NO. 08-CR-00425
ON CHARGE(S) OF:

COUNT I: OPERATING A MOTOR VEHICLE WHILE
UNDER THE INFLUENCE OF DRUGS, FIRST
OFFENSE
COUNT II: POSSESSION OF A CONTROLLED
SUBSTANCE/COCAINE FIRST DEGREE,
FIRST OFFENSE
COUNT III: POSSESSION OF CONTROLLED
SUBSTANCE, SECOND DEGREE, FIRST OFFENSE
COUNT IV: POSSESSION OF A CONTROLLED
SUBSTANCE/OPIATES FIRST DEGREE
FIRST OFFENSE
COUNT V: PRESCRIPTION CONTROLLED SUBSTANCE
NOT IN ORIGINAL CONTAINER FIRST OFFENSE

The defendant, John M. Van Deren, having this day personally
appeared in open Court, with his(her) attorney, Hon. David
Mussetter and Hon. David Justice/Hon. Scott Reese/Hon. Jeremy
Clark, appeared as attorney for the Commonwealth, the defendant,
with the advice of counsel, filed "Waiver of Further Proceedings
with Petition to enter a Plea of Guilty" and entered a Plea of
Guilty to: COUNT I: OPERATING A MOTOR VEHICLE WHILE UNDER THE
INFLUENCE OF DRUGS FIRST OFFENSE; COUNT II: POSSESSION OF A
CONTROLLED SUBSTANCE/COCAINE FIRST DEGREE, FIRST OFFENSE; COUNT
III: POSSESSION OF A CONTROLLED SUBSTANCE SECOND DEGREE, FIRST
OFFENSE; COUNT IV: POSSESSION OF A CONTROLLED SUBSTANCE/OPIATES

FIRST DEGREE, FIRST OFFENSE; COUNT V: PRESCRIPTION CONTROLLED SUBSTANCE NOT IN ORIGINAL CONTAINER FIRST OFFENSE.

The Court finding that the defendant understands the nature of the charges against him(her); that the defendant's plea is voluntary; that the defendant knowingly and voluntarily waives his right to trial by jury; privileges against self-incrimination; right of confrontation, and that there is a factual basis for the defendant's plea,

IT IS ORDERED that the Petition be filed and the defendant's plea of "GUILTY" be accepted and entered as prayed in the Petition and as recommended in the certificate of counsel, and the Court inquired of the defendant and his (her) counsel whether they had any legal cause why judgment should not be pronounced, and afforded the defendant and his(her) counsel an opportunity to make statements in the defendant's behalf and to present any information in mitigation of punishment, and no sufficient cause was shown why judgment should not be pronounced;

IT IS THEREFORE ORDERED AND ADJUDGED that the defendant is guilty of the crime(s) of **COUNT I: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS FIRST OFFENSE; COUNT II: POSSESSION OF A CONTROLLED SUBSTANCE/COCAINE FIRST DEGREE, FIRST OFFENSE; COUNT III: POSSESSION OF A CONTROLLED SUBSTANCE SECOND DEGREE, FIRST OFFENSE; COUNT IV: POSSESSION OF A CONTROLLED SUBSTANCE/OPIATES FIRST DEGREE, FIRST OFFENSE; COUNT V: PRESCRIPTION CONTROLLED SUBSTANCE NOT IN ORIGINAL CONTAINER FIRST OFFENSE** and the Court

fixes the punishment of the Defendant at confinement in the State Penitentiary for a maximum term of: **Thirty (30) Days on Count I, Five (5) Years on Count II, Twelve (12) Months on Count III, Five (5) Years on Count IV, Ninety (90) Days on Count V, to run concurrent, for a total sentence of Five (5) Years**, but entry of the judgment imposing sentence(s) is hereby postponed and suspended until further orders of the Court pursuant to the terms of the diversion agreement.

The defendant is **JOHN MEDEARIS VAN DEREN**


DOB: **06/21/XX**

SSN: **XXX-XX-XXXX**

The Defendant shall pay \$158.50 for court costs.

This matter is set for review of diversion on May 4, 2011.

ENTERED this 4th day of May, 2009.



C. DAVID HAGERMAN, JUDGE
BOYD CIRCUIT COURT
DIVISION II

I hereby certify that a true and correct copy of the foregoing Order was mailed to:

1. Hon. David Justice, Hon. Scott Reese, Hon. Jeremy Clark,
P.O. Box 491, Catlettsburg, Kentucky 41129-0491, Commonwealth Attorney

2. Hon. David Mussetter, P. O. Box 1942, Ashland, KY 41105-1942, Attorney for Defendant

3. Department of Probation & Parole, P. O. Box 259,
Catlettsburg, KY 41129

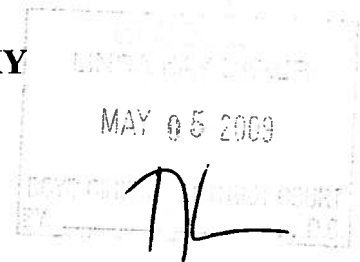
4. John M. Van Deren, 302 Buena Vista Drive, Ashland, KY 41102

This 5 day of May, 2009.

LINDA KAY BAKER, CLERK
BOYD CIRCUIT COURT

BY: TK D.C.

**COMMONWEALTH OF KENTUCKY
BOYD CIRCUIT COURT
NO. 08-CR-00425
DIVISION II**



COMMONWEALTH OF KENTUCKY,

PLAINTIFF,

VS: AGREED ORDER OF PRE-TRIAL DIVERSION

JOHN M. VAN DEREN,

DEFENDANT.

The Defendant herein, Counsel for Defendant, and the Commonwealth of Kentucky being in agreement, as evidenced by the signatures below of the Defendant, his Counsel, and the Commonwealth Attorney's Office, and the Court being otherwise sufficiently advised,

IT IS HEREBY AGREED and ORDERED as follows:

1. The Defendant, John M. Van Deren, is charged with: Operating a Motor Vehicle While Under the Influence of Drug, 1st Offense, a Class B Misdemeanor; Possession of a Controlled Substance/ Cocaine, 1st Degree 1st Offense, a Class D Felony; Possession of a Controlled Substance, 2nd Degree, 1st Offense, a Class A Misdemeanor; Possession of a Controlled Substance/Opiates, 1st Degree, 1st Offense, a Class D Felony; and Prescription Controlled Substance Not In Original Container, 1st Offense, a Class B Misdemeanor and he has applied to the Commonwealth and to the Court for Pre-Trial Diversion and has not participated in a diversion program in the last five (5) years.
2. The Defendant has not had a felony conviction in the ten years prior to the commission of the current offense, nor has he been on probation or parole or released from felony incarceration within the last ten (10) years prior to the commission of the current offense.


3. The Defendant has freely, knowingly, voluntarily and intelligently entered a plea of guilty to the charges of Operating a Motor Vehicle While Under the Influence of Drug, 1st Offense, a Class B Misdemeanor; Possession of a Controlled Substance/ Cocaine, 1st Degree 1st Offense, a Class D Felony; Possession of a Controlled Substance, 2nd Degree, 1st Offense, a Class A Misdemeanor; Possession of a Controlled Substance/Opiates, 1st Degree, 1st Offense, a Class D Felony; and Prescription Controlled Substance Not In Original Container, 1st Offense, a Class B Misdemeanor .
4. The Defendant has waived his right to a speedy trial or disposition of the charge against her.
5. The Commonwealth has secured a criminal history of the Defendant, and recommends Pre-Trial Diversion.
6. The Defendant, John M. Van Deren, shall enter a plea of guilty to the charge against his in the Indictment contained herein. Upon entry of this plea of guilty the Commonwealth recommends Defendant be sentenced to a term of imprisonment of five (5) years. This guilty plea and sentence shall be diverted upon Defendant successfully completing the following conditions:
 - a. The Pre-Trial Diversion shall be for a period of two (2) years and is to be supervised;
 - b. Defendant shall not be convicted of any other criminal offense committed within the time period of this Diversion Agreement;
 - c. Defendant shall not use or possess any illegal drugs, alcohol, or prescription drugs not prescribed to him.

It is expressly agreed and understood by the Defendant that upon his failure to specifically abide by the terms and conditions of this Diversion Agreement, and following filing of a Motion by the Commonwealth's Attorney's Office, this matter will be assigned by the Judge for a Final Sentencing whereupon the Judge will consider whether to commit the Defendant to a

term of imprisonment or to a term of probation or conditional discharge. If, at the conclusion of this Agreement, Defendant has complied with all conditions set forth herein, the Commonwealth will move the Court for dismissal of these charges which will then be designated as Dismissed/Diverted. Additionally, the Defendant may, upon successful completion of the Diversion, petition the Court for expungement of the record. During the Pre-Trial Diversion the Court may revoke or modify any condition therein. If the Court finds the Defendant has failed to successfully complete the Pre-Trial Diversion and voids the agreement, the Court may impose a sentence equal to or less than the penalty recommended by the Commonwealth or the Court may permit the Defendant to withdrawal his plea. If the Defendant persists in her plea, the Court may then enter a sentence exceeding the Commonwealth's prior recommendation.

Review date is 5/4/11

This the 4 day of May, 2009.

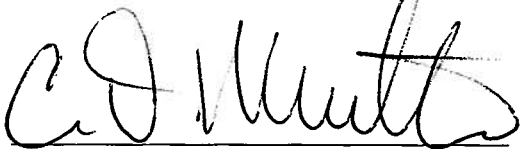


C. DAVID HAGERMAN
JUDGE, BOYD CIRCUIT COURT
DIVISION II

APPROVED FOR ENTRY:



JEREMY CLARK
ASST. COMMONWEALTH ATTORNEY



DAVID MUSSETTER
COUNSEL FOR DEFENDANT



JOHN M. VAN DEREN
DEFENDANT

I, the undersigned Clerk of the Boyd Circuit Court, hereby certify that a true and correct copy of the foregoing was mailed to:

Hon. Jeremy Clark
Asst. Commonwealth Attorney
3000 Louisa St., Suite 3
Catlettsburg, KY 41129

Hon. David Mussetter
P.O. Box 1942
Ashland, KY 41105-1942
Attorney for Defendant

This the 5 day of May, 2009.

BOYD CIRCUIT COURT CLERK

BY: PL D.C.

IN THE
BOYD CIRCUIT COURT
CATLETTSBURG, BOYD COUNTY, KENTUCKY
DIVISION II
FILE NO. 08-CR-00425

ENTERED LINDA KAY BAKER FEB 20 2009 BOYD CIRCUIT DISTRICT COURT BY: <i>CB</i> D.C.
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COMMONWEALTH OF KENTUCKY) ORDER NOTING:
PLAINTIFF)
VS:) 1. Formal Arraignment
) 2. Entry of Plea
) 3. Fixing of Bail
JOHN M. VAN DEREN) 4. Assignment for Trial
DOB: 06/21/58 SSN: 411-17-8180

The defendant, **John M. Van Deren**, having this day personally appeared in open Court, together with Hon. David Mussetter, his(her) (PRIVATELY RETAINED/COURT APPOINTED) counsel, for the purposes of being formally arraigned, the attorney for the Commonwealth being present, the Clerk having delivered a copy of the Indictment to the Defendant, and the Defendant having had an opportunity to consult privately and outside the courtroom with his counsel, IT IS ORDERED that these facts be noted of record and, IT IS FURTHER ORDERED noted of record that the COURT thereupon read the Indictment in it's entirety to the Defendant and explained same to him(her) in detail; that after having ascertained that the Defendant had been adequately advised by his (her) counsel and that he (she) fully understood the Indictment against him (her), charging him (her) with the offenses of: **COUNT I: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS FIRST OFFENSE; COUNT II: POSSESSION OF A CONTROLLED SUBSTANCE FIRST DEGREE FIRST OFFENSE; COUNT III: POSSESSION OF A CONTROLLED SUBSTANCE SECOND DEGREE FIRST**

OFFENSE; COUNT IV: POSSESSION OF A CONTROLLED SUBSTANCE FIRST DEGREE FIRST OFFENSE; COUNT V: PRESCRIPTION CONTROLLED SUBSTANCE NOT IN ORIGINAL CONTAINER FIRST OFFENSE, the Court called upon the Defendant to enter his (her) plea; thereupon the Defendant entered his (her) PLEA OF NOT GUILTY to the offense(s) charged in the Indictment which plea is accepted by the Court, and the Defendant shall be allowed BAIL in the amount of \$ 2000; FROM THE LOWER COURT TO CONTINUE and the Defendant shall have discovery pursuant to the General Discovery Order.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, assigned for ~~jury trial~~ ^{PLEA} on 20 day of March, 2009, at 9:30 a.m..

ENTERED this 20th day of February, 2009.


C. DAVID HAGERMAN, JUDGE
BOYD CIRCUIT COURT
DIVISION II

I hereby certify that a true and correct copy of the foregoing Order was mailed to:

1. Hon. David Justice, Hon. Scott Reese, Hon. Jeremy Clark, Commonwealth Attorney, Courthouse, Catlettsburg, KY 41129-0491
2. Hon. David Mussetter, P. O. Box 1942, Ashland, KY 41105-1942, Attorney for Defendant
3. John M. Van Deren, 302 Buena Vista Drive, Ashland, KY 41102
4. John M. Van Deren, 1809 Horseshoe Dr. Lot #38, Ashland, KY 41102

This 20th day of Feb, 2009.

BOYD CIRCUIT COURT CLERK
BY:  D.C.

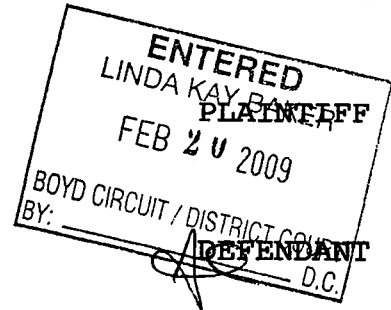
IN THE
BOYD CIRCUIT COURT
CATLETTSBURG, BOYD COUNTY, KENTUCKY
DIVISION II
FILE NO. 08-CR-00425

COMMONWEALTH OF KENTUCKY

VS:

DISCOVERY ORDER

JOHN M. VAN DEREN



*** **

IT IS HEREBY ORDERED that within forty-five (45) days as follows:

A. Pursuant to RCr 5.16(3), the attorney for the Commonwealth shall provide the Defendant, through his counsel, a duplicate of any mechanical recording relating to the indictment of testimony taken before the Grand Jury, upon the furnishing of a blank tape by the defense to the Commonwealth's Attorney.

B. Pursuant to RCr 6.22, the Defendant shall be provided information as to the nature and cause of the accusation against him, specifically stating the statute and any subsection or subparagraph of the statute upon which the indictment is brought, as well as any mental state or specific conduct with which the Defendant is charged. The Commonwealth shall further specifically state the time, date and place where the alleged offense(s) took place.

C. Pursuant to RCr 7.24(1) and (2), the Commonwealth is hereby ordered as follows:

1. To produce any oral incriminating statement known by the Attorney for the Commonwealth to have been made by the Defendant to

any witness and permit the Defendant to inspect and copy or photograph any relevant written or recorded statements or confessions made by the Defendant or copies thereof that are known by the Attorney for the Commonwealth to be in the possession, custody or control of the Commonwealth.

2. To produce any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, or copies thereof, that are known by the Attorney for the Commonwealth to be in the possession, custody or control of the Commonwealth.

3. To permit the Defendant to inspect and copy or photograph books, papers, documents or tangible objects or copies or portions thereof that are in the possession, custody or control of the Commonwealth material to the defense's preparation.

D. Pursuant to RCr 7.24(3), subsequent to the Commonwealth having filed it's response to discovery, the Defendant shall within thirty (30) days provide to the Commonwealth the following information, or permit the Commonwealth the opportunity to inspect, copy or photograph the material:

1. All books, papers, documents or tangible objects which the Defendant intends to introduce into evidence and which are in the defense's possession, custody or control.

2. Any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession, custody or control of the Defendant, which the Defendant intends to introduce as

evidence, or which were prepared by a witness whom the Defendant intends to call at trial when the results or reports relate to witness testimony.

E. All law enforcement officers possessing tangible physical evidence or documentary evidence obliged to be made available to the Defendant under this order are hereby ordered to make said evidence available to the Defendant and his/her counsel for inspection, photography, or copy, during reasonable business hours, at the location where the evidence is housed by the law enforcement agency without necessity of additional orders of the Court.

F. The Attorney for the Commonwealth shall provide to the Defendant any known plea bargain offer, or other offer of leniency or inducement of any kind made to any witness in this case by the Commonwealth of Kentucky.


G. Except for good cause shown, not later than forty-eight (48) hours prior to trial, the attorney for the Commonwealth shall produce all statements of any witness in the form of a document or recording in it's possession which relates to the subject matter of the witness's testimony and which (a) has been signed or initialed by the witness or (b) is or purports to be a substantially verbatim statement made by the witness. Such statement shall be made available for examination and use by the Defendant.

H. The Defendant may request by written motion additional discovery or seek the Court's assistance in obtaining other relief to which he/she may be entitled. Either the Commonwealth or the Defendant may file exceptions to this order within ten (10) days of

it's date and the filing of said exceptions shall hold this Order in abeyance until the Court has ruled on said exceptions.

Each party shall have a duty seasonably to supplement or amend their discovery required by this Order.

ENTERED this 20th day of February, 2009.


C. DAVID HAGERMAN, JUDGE
BOYD CIRCUIT COURT
DIVISION II

I hereby certify that a true and correct copy of the foregoing Order was mailed to:

1. Hon. David Justice, Hon. Scott Reese, Hon. Jeremy Clark,
Commonwealth Attorney, Courthouse, Catlettsburg, KY 41129-0491
2. Hon. David Mussetter, P. O. Box 1942, Ashland, KY 41105-
1942, Attorney for Defendant
3. John M. Van Deren, 302 Buena Vista Drive, Ashland, KY 41102
4. John M. Van Deren, 1809 Horseshoe Drive, Lot #38, Ashland,
KY 41102

This 20th day of Feb., 2009.

BOYD CIRCUIT COURT CLERK
BY  D.C.

COMMONWEALTH OF KENTUCKY
BOYD CIRCUIT COURT
DIVISION II
DISTRICT COURT NO. 08-F-00612
CRIMINAL ACTION NO 08-CR-00

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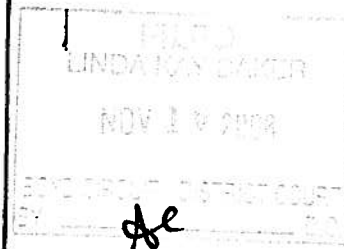
COMMONWEALTH OF KENTUCKY

PLAINTIFF,

VS.

JOHN M. VAN DEREN
302 Buena Vista Drive
Ashland, KY 41102
1809 Horseshoe Dr. Lot #38
Ashland, KY 41102
DOB: 06/21/1958
SSN: 411-17-8180

DEFENDANT



CRIMINAL INFORMATION AND WAIVER
OF GRAND JURY INDICTMENT PURSUANT TO RCr 6.04

Comes now the Commonwealth, by Counsel, and on information and belief, charges as follows:

COUNT I

On or about November 3, 2008, in Boyd County, Kentucky, the above-named Defendant unlawfully committed the offense of Operating a Motor Vehicle While Under the Influence of Drugs, 1st Offense, KRS 189A.010(5A), UOR 02108 a Class B Misdemeanor, when he was operating a motor vehicle on a public highway while under the influence of drugs, which impaired his driving ability, against the peace and dignity of the Commonwealth of Kentucky.

COUNT II

On or about November 3, 2008, in Boyd County, Kentucky, the above-named Defendant unlawfully committed the offense of Possession of a Controlled Substance/Cocaine, 1st Degree, 1st Offense, KRS 218A.1415, UOR 42203, a Class D Felony, by possessing a quantity of cocaine, a Schedule II controlled substance, against the peace and dignity of the Commonwealth of Kentucky.

COUNT III

On or about November 3, 2008, in Boyd County, Kentucky, the above-named Defendant unlawfully committed the offense of Possession of a Controlled Substance, 2nd Degree, 1st Offense, KRS 218A.1416, UOR 42231, a Class A Misdemeanor, by possessing a quantity of Hydrocodone, a Schedule III controlled substance, against the peace and dignity of the Commonwealth of Kentucky.

COUNT IV

On or about November 3, 2008, in Boyd County, Kentucky, the above-named Defendant unlawfully committed the offense of Possession of a Controlled Substance/Opiates, 1st Degree, 1st Offense, KRS 218A.1415, UOR 42209, a Class D Felony, by possessing a quantity of Oxycodone, a Schedule II controlled substance, against the peace and dignity of the Commonwealth of Kentucky.

COUNT V

On or about November 3, 2008, in Boyd County, Kentucky, the above-named Defendant unlawfully committed the offense of Prescription Controlled Substance Not In Original Container, 1st Offense, KRS 218A.210, UOR 42055, a Class B Misdemeanor, by possessing a quantity of a controlled substance not in the container in which it is delivered to or sold to him by the practitioner or other person who is authorized to do so, against the peace and dignity of the Commonwealth of Kentucky.





SCOTT T. REESE

Asst. Commonwealth Attorney
32nd Judicial Circuit

WAIVER

The Defendant, JOHN M. VAN DEREN, by his or her signature and the signature of his or her counsel affixed hereunder, hereby states that he or she has read the aforementioned criminal information and voluntarily waives his or her right to grand jury indictment and desires to proceed with the above action in the Circuit Court.


DEFENDANT

COUNSEL FOR DEFENDANT

The foregoing pleading was served upon counsel by
depositing a true and correct copy hereof in the
United States Mail, postage prepaid, and address to:

Hon. Scott T. Reese
3000 Louisa St.
Catlettsburg, KY 41129
Assistant Commonwealth Attorney

Hon. David Mussetter
P.O. Box 1942
Ashland, KY 41105-1942
Attorney for Defendant

This the 10th day of November, 2008.

LINDA KAY BAKER, CLERK
BOYD CIRCUIT COURT

By:  D.C.

UNIFORM CITATION

COURT

OFFENDER/VIOlator

VEHICLE

DATE/TIME

CHARGES AND POST-ARREST COMPLAINT

COURT

CASE

AGENCY KY STATE POLICE, POST 14						ORI: KSP1400		HOME PHONE (606) 325-9211 EMERGENCY PHONE (606) 922-5151 KENTUCKY RESIDENT STATUS <input checked="" type="checkbox"/> F: FULL-TIME <input type="checkbox"/> P: PART-TIME <input type="checkbox"/> N: NON RESIDENT	
NAME: LAST, FIRST, MI, FILIAL VAN-DEREN, JOHN M.						ATTN: <input type="checkbox"/>			
ALIAS NAME: LAST, FIRST, MI, FILIAL									
ADDRESS (NUMBER, NAME, SUFFIX) 302 BUENA VISTA DRIVE									
CITY ASHLAND			STATE KY	ZIP CODE/EXTENSION 41101		MARITAL STATUS MARRIED		VICTIM'S RELATIONSHIP TO OFFENDER	
ID TYPE OL	ID STATE KY	ID NUMBER V94597790	S. S. NUMBER 411-17-8180		HEIGHT 6'00"	WEIGHT 230	HAIR COLOR GRAY OR	EYE COLOR BLUE	
<input type="checkbox"/> COMMERCIAL VEHICLE			<input type="checkbox"/> PLACARDED HAZARDOUS VEHICLE			ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input checked="" type="checkbox"/> NON HISPANIC		ALCOHOL/DRUG INVOLVEMENT	
DATE OF BIRTH 06 21 1958		SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE <input checked="" type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> AM. INDIAN OR ALASKA <input type="checkbox"/> ASIAN			B.A. RESULTS <input type="checkbox"/> BREATH <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE		<input type="checkbox"/> ALCOHOL <input checked="" type="checkbox"/> DRUGS <input type="checkbox"/> UNKNOWN	
PLACE OF EMPLOYMENT/OCCUPATION KDMC			CITY ASHLAND		STATE KY				
VEHICLE MAKE BMW		VEHICLE MODEL M3		VEH. YEAR 2008	VEHICLE COLOR RED				
VEH. TYPE 4D	REGISTRATION: STATE, YEAR, NUMBER KY 2009 015HXM	VEHICLE IDENTIFIERS				MPH	IN MPH ZONE	VIOL. KEY	
VIOLATION DATE 11 03 2008		VIOLATION TIME 9:07PM		EXACT LOCATION OF VIOLATION RAMP		MILES DIRECTION 2 W		CITY CANNONBURG	
ARREST DATE 11 03 2008		TIME OF ARREST 9:07PM		EXACT LOCATION OF ARREST RAMP		MILES DIRECTION 2 W		CITY CANNONBURG	
COUNTY BOYD		SECTOR 9		COUNTY BOYD		SECTOR 9			
NUMBER	VIOLATION CODE	ASCF	STATUTE/ORD.	CHARGE(S)	STARTING CASE	ENDING CASE	DRUG TYPE		
1 of 7	00136	0	189.290	1					
2 of 7	02109	0	189A.010(5A)	1					
3 of 7	42203	0	218A.1415	1	14-08-0757				
4 of 7	42231	0	218A.1416	1			Cocaine (Other) Hydrocodone		
POST-ARREST COMPLAINT									
Charge 1: CARELESS DRIVING									
Charge 2: OPER MTR VEHICLE U/INFLU ALC/DRUGS/ETC. .08 (AGG CIRCUM) 1ST OFF									
Charge 3: POSS CONT SUB 1ST DEG 1ST OFF (COCAINE)									
Charge 4: POSS CONT SUB 2ND DEG 1ST OFF (DRUG UNSPECIFIED)									
BLOOD - REFUSED, URINE - NR, BREATH - NR. POST 14 ASHLAND RECIEVED INFORMATION FROM THE CABELL COUNTY WV FEDERAL DRUG TASK FORCE HAD A UNIT FOLLOWING A VEHICLE THAT COULD HAVE DRUGS INSIDE IN THE VEHICLE. TROOPER SHANE GOODALL, UNIT 886 AND TROOPER SHAWN PODUNOVAC, UNIT 525 LOCATED THE VEHICLE ON I-64 EASTBOUND AROUND THE 181 MILEMARKER. TROOPER GOODALL OBSERVED THE VEHICLE SWAYING SIDE TO SIDE ACROSS THE CENTER LINE AND OVER THE FOG LINE. SUSPECT VEHICLE THEN EXITED ONTO THE 181 EASTBOUND EXIT RAMP. MR. VAN-DEREN, THE OPERATOR, WAS ASKED TO STEP OUT OF THE VEHICLE BY TROOPER GOODALL. AT THIS TIME SGT. BOOTH WITH THE DRUG TASK FORCE TEAM ASKED MR. VAN-DEREN IF THERE WAS ANYTHING ILLEGAL IN THE VEHICLE. MR. VAN-DEREN STATED THERE WAS, AND GAVE THE LOCATION OF SEVERAL HYDRODONE (SCHEDULE 3) AND OXYCODONE (SCHEDULE 2) TABLETS ALONG WITH A WHITE SUBSTANCE IN CELEPHONE WRAPPING MR. VAN - DEREN STATED WAS POWDER COCAINE, LOCATED IN THE DRIVER SIDE MAP POCKET ON THE DRIVER DOOR. MR. VAN-DEREN									
COURT DATE		COURT TIME		<input type="checkbox"/> PAYABLE <input checked="" type="checkbox"/> COURT		COURT LOCATION BOYD			
ARRESTED									
COURT CASE NUMBER				TOTAL PREPAYABLE AMOUNT		NOT PREPAYABLE			
WITNESS 1 NAME: LAST, FIRST, MI, FILIAL						STATE		ZIP CODE	
WITNESS 1 ADDRESS (NUMBER, STREET, SUFFIX)						CITY			
WITNESS 2 NAME: LAST, FIRST, MI, FILIAL						STATE		ZIP CODE	
WITNESS 2 ADDRESS (NUMBER, STREET, SUFFIX)						CITY			
<input type="checkbox"/> CARRIED FOR UCR BY OTHER AGENCY SPECIFY: _____						<input type="checkbox"/> IN-CAR VIDEO <input checked="" type="checkbox"/> FINGERPRINTS <input checked="" type="checkbox"/> PHOTOS <input type="checkbox"/> EVIDENCE HELD			
OFFICER SIGNATURE CARTER, C.				BADGE/I.D. NUMBER 701		ASSIGNMENT POST 14			

YEAR	08
CONTROL NUMBER	AK22438
TYPE	1

COMMONWEALTH OF KENTUCKY
UNIFORM CITATION

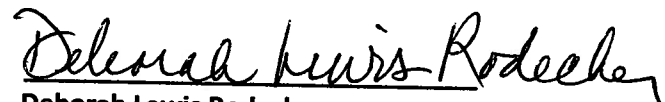
OFFENDER/VIOLATOR	AGENCY KY STATE POLICE, POST 14										ORI: KSP1400		COURT			
	NAME: LAST, FIRST, MI, FILIAL VAN-DEREN, JOHN M.										ATTN: <input type="checkbox"/>			HOME PHONE (606) 325-9211		
	ALIAS NAME: LAST, FIRST, MI, FILIAL													EMERGENCY PHONE (606) 922-5151		
	ADDRESS (NUMBER, NAME, SUFFIX) 302 BUENA VISTA DRIVE													KENTUCKY RESIDENT STATUS <input checked="" type="checkbox"/> F: FULL-TIME <input type="checkbox"/> P: PART-TIME <input type="checkbox"/> N: NON RESIDENT		
	CITY ASHLAND			STATE KY		ZIP CODE/EXTENSION 41101			MARITAL STATUS MARRIED		VICTIM'S RELATIONSHIP TO OFFENDER					
	ID TYPE OL		ID STATE KY		ID NUMBER V94597790			S. S. NUMBER 411-17-8180		HEIGHT 6'00"		WEIGHT 230		HAIR COLOR GRAY OR	EYE COLOR BLUE	
	<input type="checkbox"/> COMMERCIAL VEHICLE				<input type="checkbox"/> PLACARDED HAZARDOUS VEHICLE						ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input checked="" type="checkbox"/> NON HISPANIC			ALCOHOL/DRUG INVOLVEMENT		
	DATE OF BIRTH 06 21 1958		SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		RACE <input checked="" type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> AM. INDIAN OR ALASKA <input type="checkbox"/> ASIAN						B.A. RESULTS <input type="checkbox"/> BREATH <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE			<input type="checkbox"/> ALCOHOL <input checked="" type="checkbox"/> DRUGS <input type="checkbox"/> UNKNOWN		
	PLACE OF EMPLOYMENT/OCCUPATION KDMC										CITY ASHLAND			STATE KY		
	VEHICLE MAKE BMW		VEHICLE MODEL M3		VEH. YEAR 2008		VEHICLE COLOR RED									
VEHICLE	VEH. TYPE 4D		REGISTRATION: STATE, YEAR, NUMBER KY 2009 015HXM		VEHICLE IDENTIFIERS				MPH		IN MPH ZONE		VIOL. KEY			
DATE/TIME	VIOLATION DATE 11 03 2008			VIOLATION TIME 9:07PM		EXACT LOCATION OF VIOLATION RAMP				MILES DIRECTION 2 W		CITY CANNONBURG				
												COUNTY BOYD		SECTOR 9		
	ARREST DATE 11 03 2008			TIME OF ARREST 9:07PM		EXACT LOCATION OF ARREST RAMP				MILES DIRECTION 2 W		CITY CANNONBURG				
												COUNTY BOYD		SECTOR 9		
CHARGES AND POST-ARREST COMPLAINT	NUMBER 5 of 7		VIOLATION CODE 42231		ASCF 0		STATUTE/ORD. 218A.1416		CHARGE(S) 1		STARTING CASE		ENDING CASE		DRUG TYPE Oxycodone	
	6 of 7		42055		0		218A.210		1						Hydrocodone	
	7 of 7		42055		0		218A.210		1						Oxycodone	
	POST-ARREST COMPLAINT Charge 5: POSS CONT SUB 2ND DEG 1ST OFF (DRUG UNSPECIFIED) Charge 6: PRESCRIPTION CONT SUB NOT PROPER CONTAIN 1ST OFF Charge 7: PRESCRIPTION CONT SUB NOT PROPER CONTAIN 1ST OFF															
	WAS THEN ARRESTED. I CONDUCTED SFST'S AT POST 14 MOMENTS LATER FOR SAFETY REASONS. EYES WERE GLASSY AND BLOODSHOT. MR. VAN-DEREN HAD TROUBLE FOLLOWING INSTRUCTIONS AND SPEECH WAS SLURRED. HGN - LACK OF SMOOTH PURSUIT. OLS - SWAYED, USED ARMS FOR BALANCE, GRABBED THE WALL TO GAIN BALANCE, DROPPED FOOT AT COUNT 3 ON 2 ATTEMPTS, DROPPED FOOT AT COUNT 1 ON THIRD ATTEMPT - COULD NOT COMPLETE. WALK AND TURN - COULD NOT REMAIN AT START POSITION, SWAYED, USED ARMS FOR BALANCE, MISSED SEVERAL HEEL TO TOE TOUCHES, STEPPED OFF LINE ONCE ON 2ND 9 STEPS, IMPROPER TURN - SPUN AROUND. IMPLIED CONSENT AT OLBH. CONTACTED ATTORNEY, REFUSED BLOOD TEST. MR. VAN-DEREN STATED HE HAD TAKEN HYDROCODONE AND COCAINE PRIOR TO THE TRAFFIC STOP WHILE HE WAS IN TRANSPORT TO POST 14.															
COURT	COURT DATE		COURT TIME		<input type="checkbox"/> PAYABLE <input checked="" type="checkbox"/> COURT		COURT LOCATION BOYD								08	YEAR
	ARRESTED															
CASE	COURT CASE NUMBER						TOTAL PREPAYABLE AMOUNT		NOT PREPAYABLE						AK22438	CONTROL NUMBER
	WITNESS 1 NAME: LAST, FIRST, MI, FILIAL										STATE		ZIP CODE			
	WITNESS 1 ADDRESS (NUMBER, STREET, SUFFIX)										CITY					
	WITNESS 2 NAME: LAST, FIRST, MI, FILIAL										STATE		ZIP CODE			
	WITNESS 2 ADDRESS (NUMBER, STREET, SUFFIX)										CITY					
	<input type="checkbox"/> CARRIED FOR UCR BY OTHER AGENCY SPECIFY:										<input type="checkbox"/> IN-CAR VIDEO <input checked="" type="checkbox"/> FINGERPRINTS <input checked="" type="checkbox"/> PHOTOS <input type="checkbox"/> EVIDENCE HELD					
	OFFICER SIGNATURE CARTER, C.										BADGE/I.D. NUMBER 701		ASSIGNMENT POST 14			

CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, Counsel for the West Virginia Board of Medicine, do hereby certify that I have served the foregoing Order of Revocation upon John Medearis Van Deren III, M.D. , by depositing true copies thereof in the United States Mail, postage prepaid, certified, on this 13th day of July, 2009, addressed to him and to his counsel of record, as follows:

John Medearis Van Deren, III, M.D.
302 Buena Vista Drive
Ashland, KY 41101

James D. McQueen, Jr., Esq.
Chase Tower, Suite 1200
707 Virginia Street East
Charleston, West Virginia 25301-2706



Deborah Lewis Rodecker
West Virginia State Bar # 3144
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
304.558.2821 ext. 214